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Atty. Dkt. No. SALK1520-3 (088802-8761)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Evans et al.

Title: METHODS FOR MODULATING  
EXPRESSION OF EXOGENOUS  
GENES IN MAMMALIAN  
SYSTEMS, AND PRODUCTS  
RELATED THERETO

Appl. No.: 10/828,831

Filing Date: 04/20/2004

Examiner: Unknown

Art Unit: 1632

Mail Stop Amendment-IDS  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313 1450

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The PTO did not receive the following  
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**IDS TRANSMITTAL**

Sir:

Transmitted herewith for the above-identified application please find:

- (1) Information Disclosure Statement
- (2) Completed Form PTO-1449 and PTO-892
- (3) Return Receipt Postcard

In re Application of:

Evans et al.

Application No.: 10/828,831

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Atty. Dkt. No. SALK1520-3 (088802-8761

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date: November 12, 2004

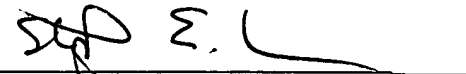
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By



Stephen E. Reiter

Attorney for Applicant

Registration No. 31,192



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**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment-IDS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003.

Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to OG Notice dated August 5, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

Applicants submit herewith on Form PTO-1449 and PTO-892 a listing of the documents cited by or submitted to the U.S. PTO in parent application Serial No. 09/042,488, filed 03/16/1998. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

#### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

#### **RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of all forms be returned in accordance with MPEP §609.

In re application of  
Evans et al.  
Application No.: 10/828,831  
Page 3 of 3

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Respectfully submitted,

Date 11/12/04

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# **Notice of References Cited**

Application/Control No.

09/042,488

Applicant(s)/Patent Under  
Reexamination  
EVANS ET AL.

Examiner

Sumesh Kaushal

Art Unit

1633

Page 1 of 3

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| <b>FORM PTO 1449</b> US Department of Commerce<br>Patent and Trademark Office | <b>ATTY DOCKET NO.:</b><br>SALK 1520-2 | <b>SERIAL NO.:</b><br>09/042,488 |
|   | <b>APPLICANT(S):</b> Evans et al.      |                                  |
| <b>INFORMATION DISCLOSURE STATEMENT<br/>BY APPLICANT</b>                      | <b>FILING DATE:</b> Mar. 16, 1998      | <b>GROUP ART UNIT:</b> 1643      |

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